BILL NO. 2009-17

2 ORDINANCE NO. 3 AN ORDINANCE TO UPDATE MUNICIPAL CODE STANDARDS AND REQUIREMENTS FOR AMBULANCE SERVICES PROVIDED BY MEANS OF FRANCHISE, AND TO PROVIDE FOR OTHER RELATED MATTERS. 4 5 Proposed by: Candace Falder, Acting Director Summary: Updates Municipal Code standards and requirements for ambulance services of Finance and Business Services 6 provided by means of franchise. 7 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS: 8 9 SECTION 1: Title 6, Chapter 8, Section 20 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows: 10 11 6.08.020: As used in this Chapter, unless the context otherwise requires, the words and terms 12 defined in this Section have the meanings ascribed to them herein, as follows: "Administrative Oversight Committee" or "AOC" means the committee established by the Interlocal 13 14 Agreement for Ambulance Service Regulation adopted by the County, the City of Las Vegas and the City of North Las Vegas on [July 18, 2001;] January 1, 2006, as it may be amended or renewed from 15 time to time, and its successors; or the City if the AOC is terminated or if the City withdraws its 16 17 participation in the interlocal agreement. "Advanced life support" or "ALS," whether used alone or as a modifier of other nouns, has the same 18 19 meaning as the definition of that term in the Code of Federal Regulations (42 CFR 414.605), as may be amended. Likewise, the terms "ALS1" and "ALS2" have the same meanings as the definitions of 20 those terms in 42 CFR 414.605, as may be amended. 21 "Air ambulance" means an aircraft, both fixed wing and rotary wing aircraft, especially designed, 22 constructed, modified or equipped to be used for the transportation of injured or sick persons. "Air 23 ambulance" does not include any commercial aircraft carrying passengers on regularly scheduled 24

- "Ambulance" means a motor vehicle which is specially designed, constructed, equipped and staffed to provide basic, intermediate or advanced care for one or more:
 - (1) Sick or injured persons; or

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flights.

(2) Persons whose medical condition may require special observation during transportation.

For the purposes of this Chapter, the term "ambulance" specifically excludes nonmedically supervised patient transports and special event medical service transports.

- "Ambulance service" means the emergency medical care and transport, the non-emergency medical care and transport service, including inter-facility ambulance transport service, or both, which are provided to patients utilizing an ambulance with appropriately licensed personnel. The term "ambulance service" does not include the use of vehicles for nonmedically supervised patient transport service, air ambulance service or special event medical service transports.
- "Applicant" means a person who submits a completed application for a franchise as set forth in this Chapter.
- "Application" means all written documentation, statements, representations and warranties provided to the City by an applicant, in accordance with this Chapter, to be relied upon by the City Council in making its determination of whether to grant or withhold a franchise.
- "Automatic Vehicle Locator," <u>"AVL/GPS"</u> or "AVL" means the automated system used to track or determine the physical location of ambulance vehicles through a Global Positioning System (GPS), on a computerized mapping system that is integrated with the Fire Alarm Office.
- "AVL/GPS data reports" means Global Positioning System (GPS) data that a franchisee may use to report that it was "on scene," thereby providing a means to calculate an official response time.
- "Basic life support" or "BLS" has the same meaning as the definition of that term in the Code of Federal Regulations (42 CFR 414.605), as may be amended.
- "City" means the City of Las Vegas, Nevada.
- "City Council" means the governing body of the City.
 - "City Manager" means the City Manager appointed by the City Council to perform such administrative functions of the City government as may be required of him or her by the City Council, or his or her designee.
 - "Computer-aided dispatch" or "CAD" means dispatching of emergency vehicles through the computer technology to calls for service.

"CPI-MCS" means the Consumer Price Index (CPI) for all Urban Consumers: U. S. City Average, Series CUUR0000SAM2, Medical Care Services, as published by the U. S. Department of Labor, Bureau of Labor Statistics, Washington, D.C.

"Critical care transport" (CCT) or "specialty care transport" (SCT) both have the same meaning as the term "specialty care transport" as defined in the Code of Federal Regulations (42 CFR 414.605), as may be amended.

"Department" means the Department of Finance and Business Services.

"Director" means the Director of the Department of Finance and Business Services, or his or her designee.

"Emergency" has the same meaning as that term is defined by the Health District, as may be amended. "Emergency medical care" means medical care given to a patient in an emergency situation before the patient arrives at a hospital or other medical facility and until responsibility for the patient is assumed by the medical staff at such facility.

"Emergency medical service" or "EMS" means a system consisting of a chain of services linked together to provide emergency medical care for the patient at the scene, during transport, and upon entry at a hospital or other medical facility.

"EMS priority dispatch" means a dispatch system:

- (1) Whereby Certified Emergency Medical Dispatchers (EMD's) give lifesaving pre-arrival instructions to person requesting the same; and
- (2) Which provides for the dispatch of the appropriate level of emergency vehicle response, A, B, C, D or E as determined by use of a priority card or computer program, based on the severity of the medical emergency.

"Emergency medical technician-intermediate" or "EMT-Intermediate" means a person who is qualified, in accordance with the Health District regulations as an EMT-Basic and who is also qualified in accordance with the Health District regulations to perform essential advanced techniques and to administer a limited number of medications.

"Emergency medical technician-paramedic" or "EMT-Paramedic" means a person possessing the qualifications of the EMT-Intermediate and also, in accordance with the Health District regulations,

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"Fire Alarm Office" or "FAO" means the office referred to as Firecom in the Health District regulations which is administered by the City of Las Vegas through an interlocal agreement among the City of Las Vegas, the City of North Las Vegas, and Clark County, or the successor to that office. "Fire Department" means the City's Department of Fire and Rescue.

"Franchise" means the authorization granted to a person by the City Council to provide ambulance service within the City's rights-of way, highways, streets, roads and alleys. The terms and conditions of such authorization will be described in a franchise agreement specific to such purpose.

"Franchise agreement" means the written agreement entered into between the City and a franchisee evidencing the City's authorization for a franchisee to provide ambulance service requiring the franchisee to comply with the terms of this Chapter and incorporating such other reasonable provisions as the City Council deems appropriate.

"Franchise service area" or "service area" means the geographic area of the City, including any sub-zones thereof, specified in a franchise agreement wherein a franchisee is authorized and required to provide ambulance service.

"Franchisee" means the person to whom an ambulance service franchise is granted by the City Council pursuant to this Chapter.

"Health District" means the Southern Nevada Health District, its officers and authorized agents.

25 "Health District regulations" means the applicable EMS regulations adopted by the District Board of Health, as they may be amended from time to time.

"Health Officer" means the Health Officer of the Health District.

"Inter-facility ambulance transport service" means an emergency or a nonemergency transport of a

code, and call-back number to the time when the ambulance dispatched to the incident arrives and

reports that it is "on scene" as that term is defined by the AOC, or when the dispatched ambulance en

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route to an incident is canceled by the FAO dispatch.

"Rights-of-way" means property dedicated to, granted to, or held or prescriptively used by the City for public street, alley, road and highway purposes.

"Service category" means the type or level of ambulance service that is specified in a franchise granted pursuant to this Chapter.

"Seven-digit request for emergency service" means any telephone request for emergency ambulance service that is received directly by a franchisee from any source, including representatives of law enforcement agencies, which is required to be electronically transferred immediately to the FAO system.

"Special event" means activities such as, but not limited to, sporting events, off-road vehicle races, speedway races, concerts, fairs and parades occurring on a specific date and time at a specific location. "Special event medical service" or "SEMS" means the providing of medical care to the participants and members of the public in attendance at a special event pursuant to a contractual arrangement between a special event medical service provider or a franchisee and the special event owner, operator, promoter, organizer or any other person authorized to enter into such contractual arrangements on behalf of the special event.

"Special event medical service provider" or "SEMS provider" means a person who has obtained a special event medical service provider business license pursuant to Title 6 of this Code and special purpose ambulance service permits required pursuant to Health District regulations.

"Special event vehicle" means the special purpose vehicle permitted by Health District regulations which for the purposes of this Chapter may be used for the sole purpose of providing standby medical coverage at predesignated special events. Except as otherwise provided in this Chapter, the term does not include a vehicle which provides ambulance service over City rights-of-way.

"Street" means the surface of the full width of the right-of-way, including alleys, sidewalks and thoroughfares, places or ways of any kind used by the public or open to the public as a matter of right for the purpose of vehicular traffic or vehicular and pedestrian traffic.

"Sub-zone" means a portion of a franchise service area as defined in a franchise agreement.

"Transfer of ownership or control" means any transaction in which:

- (1) Any ownership or other right, title, or interest of more than five percent in a franchisee or its ambulance service is transferred, sold, assigned, leased, sublet, or mortgaged, directly or indirectly, voluntarily or involuntarily, in whole or in part;
 - (2) There is any change or transfer of control of a franchise or ambulance service;
- (3) The rights, obligations, or both, which are held by a franchisee under its ambulance franchise are transferred, directly or indirectly, to another party;
- (4) Any change or substitution occurs in the managing general partners of a franchisee, where applicable; or
- (5) A franchisee, or its corporate parents at any level, enter into any transaction that materially increases the debt that is to be borne by the franchisee, directly or indirectly, in a manner that will adversely affect users of the ambulance service.
- "Transponder" means an electronic device affixed to an ambulance that activates the private access gates located within the franchise service area.
- "Unforeseen economic circumstance" means:
- (1) That within a given twelve-month calculation period the percentage change in the CPI-MCS was greater than ten percent or less than zero (decrease); or
- (2) Another circumstance or set of circumstances which the City Council determines to have had a significant effect on the cost of providing ambulance service.
- "Volunteer ambulance service" means volunteer ambulance service which is authorized and operated under the direct supervision of the Fire Department.
- SECTION 2: Title 6, Chapter 8, Section 130 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:
- **6.08.130:** (A) No franchisee shall deviate from the color scheme, logo or design approved by the Fire Chief without his or her prior consent.
- (B) The franchisee shall maintain records within the City and allow for audits as provided in applicable Sections of this Chapter and Title 6 of this Code.
- (C) A franchisee shall adhere to response time standards and staffing requirements of this Chapter in its service area and individually in each subzone that the franchisee is authorized

to serve. The franchisee shall ensure that each sub-zone in its service area receives the same level of service or level of performance as compares with other sub-zones it serves within the franchise service area.

- (D) A franchisee shall not use, encourage, advocate or solicit the use of any telephone number or system of communication in lieu of the 911 emergency telephone system number for the dispatch of an ambulance to any call except for non-emergency service as defined by this Chapter.
- (E) Unless otherwise specified in its franchise agreement or required by AOC regulations and procedures, when a franchisee receives, through any means, a request for service which if processed through EMS priority dispatch protocols would be determined to be a Category A, B, C, D, or E level call for EMS ambulance service the franchisee shall electronically transfer information on the call to the FAO, including patient location, condition and call-back number.
- (F) Any ambulance used for emergency 911 responses by a franchisee shall be replaced no later than when the vehicle mileage reaches 300,000 miles. Any franchisee that has a current franchise agreement with the City on June 1, 2009, shall have until June 30, 2011, to comply with this Subsection (F).
- (G) Except with respect to nonemergency ambulance service, when a franchisee is providing special event medical service and a patient's condition requires transport, or a franchisee is directly called to transport a patient from a special event, the franchisee shall electronically transfer information on patient location, condition, availability of or need for the dispatch of an ambulance and call-back number to the FAO.

SECTION 3: Title 6, Chapter 8, Section 150 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

- **6.08.150:** (A) Requests for ambulance service which are received through the FAO, including seven-digit requests for emergency service, or through a 911-emergency telephone system shall meet the following response time performance standards:
- (1) For all EMS priority dispatch <u>B</u>, C, D and E level emergency calls, the response time shall be not greater than [eight] <u>eleven</u> minutes and fifty-nine seconds [(8:59).] (11:59).

- (2) [For all EMS priority dispatch B level emergency calls, the response time shall be no greater than twelve minutes and fifty-nine seconds (12:59).
- (3)] For all EMS priority dispatch A level emergency calls, the response time shall be no greater than nineteen minutes and fifty-nine seconds (19:59).
- (B) A franchisee must have ninety percent compliance with the response time standards of Subsection (A) of this Section for the combined total of EMS priority dispatch B, C, D, and E level emergency calls during each calendar month within a service area or each sub-zone of the service area as such service area or sub-zones thereof are established or amended in accordance with the terms of the franchise agreement.
- (C) In addition to the provisions of Subsection (A) of this Section, a franchisee's failure to arrive on the scene in response to EMS priority dispatch C, D and E level emergency calls within fourteen minutes and fifty-nine seconds (14:59) of dispatch by the FAO may be cited in the franchise agreement as grounds for taking further disciplinary action against a franchisee.
- (D) A franchisee's failure to comply with the response time requirements of this Chapter and resulting penalties may be waived by the Director after his or her consideration of any recommendations made by the AOC, and provided that such waiver is not contrary to the provisions of the franchise agreement[, under the following circumstances:
- (1) A] when a franchisee was unable to locate the incident due to incorrect or inaccurate dispatch information from the FAO, such as incorrect number of a street address, street name, direction, street designator or fire district and phantom grids as maintained by the FAO.[; or
- (2) Due to circumstances beyond the franchisee's control, including detention of ambulance and crew at a hospital emergency department for excessive lengths of time waiting for hospital staff to accept transfer of care of a patient.]
- (E) Calls not canceled by the FAO before the response time requirement has expired but for which the ambulance crew failed to substantiate the on-scene time through usage of AVL/GPS data reports or, if the AVL/GPS was not functioning, failed to report through alternative methods established by the AOC, will be considered as failing to meet the [8:59, 12:59,] 11:59, 14:59 or 19:59 response time requirements of this Section.

- (F) [Calls] A call for which an ambulance did not respond within the applicable [8:59, 12:59,] 11:59 14:59 or 19:59 response time requirements of this Section, either by the franchisee or by another ambulance service provider through a mutual aid agreement, [and the call was not canceled by the FAO before expiration of the response time requirement,] will be considered as failing to meet the response time requirements of this Section if the call was not canceled by the FAO before the expiration of the response time requirements.
- (G) When the FAO closes a call, the call is terminated and the applicable response time standard specified in this Section will apply. If the FAO reopens the call, the franchisee shall consider it a new call and calculate the response time from the time the franchisee receives information that the call has been reopened to the time when the ambulance dispatched to the incident arrives and reports that it is "on scene," as that term is defined by the AOC, or when the dispatched ambulance en route to an incident is canceled by the FAO dispatch.
- [(G)] (H) When multiple ambulances are dispatched by FAO to a single incident, the applicable [8:59, 12:59,] 11:59 or 14:59 response time standard specified in this Section will apply only to the first ambulance dispatched by FAO, and additional ambulances responding to the incident will not have a response time requirement nor be counted as a separate call by a franchisee in calculating its monthly ninety percent response time compliance required by this Section.
- [(H)] (I) When a franchisee requests mutual aid from another franchisee, the requesting franchisee will count that call in its total monthly calls in calculating its ninety percent on-time response requirements of this Section and will be responsible for any incidental late penalties for such response.
- [(I)] (<u>J</u>) The franchise agreement may specify an area of the City wherein the response time requirements of this Section shall not apply.
- [(J)] (K) In addition to any other remedy and penalty provided in this Chapter or the franchise agreement, failure of a franchisee to meet the monthly ninety percent response time requirements set forth in this Chapter within its service area or any sub-zone thereof, as defined by the franchise agreement, for any [three] <u>four</u> months during any [twelve-month] period <u>consisting</u> of twelve consecutive calendar months shall be grounds for readjustment of the service area[, revocation

of the franchise] or any other appropriate action as may be determined by the City Council, in its sole discretion[.], including but not limited to action authorized by Section 6.08.290.

SECTION 4: Title 6, Chapter 8, Section 160 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

- **6.08.160:** (A) Except as otherwise provided by Subsection (B) of this Section, the following procedures shall apply:
- (1) Upon arrival at the scene of an incident where patient care is being provided by Fire Department personnel, the ambulance franchisee's personnel shall:
- (a) Seek out the officer or paramedic in charge (Incident Commander) for an information report on patient care already provided;
 - (b) Request possible assignments to assist in any additional care;
 - (c) Avoid duplicating any patient assessment or treatment already
- (d) Work under the direction of the Incident Commander.
- (2) Upon arrival at the scene of an incident where patient care is being provided by ambulance franchisee's personnel, the Fire Department may assume command of the scene. In the event that the Fire Department does assume command of the scene it shall:
- (a) Seek out the ambulance franchisee's employee in charge for a report on the condition of the patient, and any treatment that may have been provided;
- (b) Request transfer of information from the ambulance franchisee's personnel; and
 - (c) Remain in charge of the scene while at the scene.
- (3) Upon the Fire Department's assumption of command of an incident scene, care of a patient or patients shall be the responsibility of the Fire Department personnel until such personnel have ceased to provide patient care and responsibility has been transferred to franchisee personnel; provided, however, that at no time shall ambulance franchisees' personnel delay initiation of appropriate treatment or transportation of a patient in anticipation of Fire Department response. It is the responsibility of all agencies providing patient care to cooperate and assist in

treatment and transportation requirements.

- (4) A franchisee responding to an FAO call shall not send additional ambulances to an incident unless so authorized by the Incident Commander or the FAO.
- (B) If a call is closed by a Fire Department unit by changing status to available, the franchisee shall continue to the scene unless the franchisee receives notification from the FAO that the call is cancelled. The franchisee shall substantiate the on-scene time through usage of AVL/GPS data reports or, if the AVL/GPS was not functioning, through alternative methods established by the AOC. If the franchisee cannot electronically transfer data to the FAO due to the closing of the call, the data in the franchisee's CAD will be verification of the official response time.
- (C) Nothing in Subsection (A) of this Section shall be deemed to require or authorize the interruption of patient care in progress.

SECTION 5: Title 6, Chapter 8, Section 200 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

- **6.08.200:** (A) At the request of either the Director or AOC, a franchisee shall submit reports, records and other information regarding emergency and nonemergency transports that are necessary to verify the franchisee's compliance with this Code and franchise agreements executed pursuant to this Chapter. These reports, records and information shall be submitted in the format and on the date requested by the Director or AOC.
- (B) A franchisee may keep records using account numbers or patient numbers rather than names and addresses; provided, however, that such records shall include the FAO incident number.
- (C) The franchisee shall provide an annual report to the City Manager or AOC listing all ambulance vehicles, by vehicle identification number, vehicle number and license plate, that are used for emergency 911 response and indicating the odometer mileage reading of each vehicle. The mileage reading shall be documented for each vehicle during the month of January of each year, and the date of the reading for each vehicle shall be included in the list. The mileage report shall be due no later than March 1 of each year.
 - SECTION 6: This Ordinance shall become effective on June 1, 2009.

1	SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or
2	phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
3	ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
4	effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
5	City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
6	paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
7	subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
8	invalid or ineffective.
9	SECTION 8: Whenever in this ordinance any act is prohibited or is made or declared
10	to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
11	required or the failure to do any act is made or declared to be unlawful or an offense or a
12	misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
13	constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
14	\$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
15	fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.
16	SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases,
17	sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
18	1983 Edition, in conflict herewith are hereby repealed.
19	PASSED, ADOPTED and APPROVED this day of, 2009.
20	APPROVED:
21	D.,
22	By OSCAR B. GOODMAN, Mayor
23	ATTEST:
24	DEVENIUM DRIDGEG CMC
25	BEVERLY K. BRIDGES, CMC City Clerk
26	APPROVED AS TO FORM:
27	Vilter 4-1-09 Date
- 11	Date

1	The above and foregoing ordinance was first proposed and read by title to the City Council on the
2	day of, 2009, and referred to the following committee composed of
3	and for recommendation;
4	thereafter the said committee reported favorably on said ordinance on the day of
5	, 2009, which was a meeting of said Council; that at said
6	meeting, the proposed ordinance was read by title to the City Council
7	as first introduced and adopted by the following vote:
8	VOTING "AYE":
9	VOTING "NAY":
10	ABSENT:
11	
12	APPROVED:
13	By
14	By OSCAR B. GOODMAN, Mayor
15	ATTEST:
16	BEVERLY K. BRIDGES, CMC
17	City Clerk
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